

** E-filed August 4, 2009 **

1 COOLEY GODWARD KRONISH LLP
 2 STEVEN L. FRIEDLANDER (154146) (friedlanders@cooley.com)
 3 BENJAMIN KLEINE (257225) (bkleine@cooley.com)
 4 LAURA A. TERLOUW (260708) (lterlouw@cooley.com)
 5 101 California Street, 5th Floor
 6 San Francisco, CA 94111-5800
 7 Telephone: (415) 693-2000
 8 Facsimile: (415) 693-2222

9
 10 ATTORNEYS FOR DEFENDANTS
 11 SYMYX TECHNOLOGIES, INC. AND ELSEVIER INC.

12 LEVINE & BAKER LLP
 13 RICHARD E. LEVINE (88729) (rlevine@levinebakerlaw.com)
 14 One Maritime Plaza, Suite 400
 15 San Francisco, CA 94111
 16 Telephone: (415) 391-8177
 17 Facsimile: (415) 391-8488

18 ATTORNEYS FOR PLAINTIFFS
 19 ROBERT OLSZEWSKI, SARA BERTSCH, JACQUELINE MACIA, PHILIP
 20 McHALE, AND RUSSELL BLACKADAR

21
 22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA
 24 SAN JOSE DIVISION

25 ROBERT OLSZEWSKI, SARA BERTSCH,
 26 JACQUELINE MACIA, PHILIP McHALE,
 27 and RUSSELL BLACKADAR, individuals,

28 Plaintiffs,

v.

29 SYMYX TECHNOLOGIES, INC., and
 30 ELSEVIER, INC.,
 31 Corporations,

32 Defendants.

33 Civil Action No. CV 08 3657 HRL

34 STIPULATION AND ~~PROPOSED~~
 35 ORDER TO CONTINUE CMC

36 Pursuant to United States District Court for the Northern District of California Civil L.R.
 37 6-2(a), plaintiffs Robert Olszewski, Sara Bertsch, Jacqueline Macia, Philip McHale, and Russell
 38 Blackadar (collectively, "Plaintiffs") and defendants Symyx Technologies, Inc. ("Symyx") and
 39 Elsevier Inc. ("Elsevier" and collectively with Symyx, "Defendants"), by and through their
 40 respective counsel, hereby submit the following joint stipulation:

1 1. Pursuant to the Court's June 24, 2009 order, the case management conference in
2 this case is currently scheduled for August 11, 2009.

3 2. On July 8, 2009, pursuant to the Court's June 24, 2009 order, Plaintiffs filed a
4 Second Amended Complaint.

5 3. Defendants filed motions to dismiss Plaintiffs' Second Amended Complaint on
6 July 27, 2009.

7 4. Counsel for plaintiffs and defendants agree that having a ruling from the Court on
8 the motions to dismiss will greatly inform (a) the parties' discussions of the scope and timing of
9 discovery pursuant to Rule 26(f), (b) the preparation of the parties' Rule 26(f) report, and (c) the
10 discussions to be had with the Court at the case management conference.

11 Therefore, the parties hereby request and stipulate that the Court continue the case
12 management conference until a date that is six weeks after the Court's decision on defendants'
13 motions to dismiss the Second Amended Complaint.

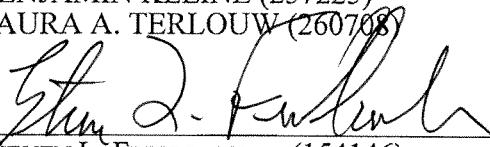
14 **IT IS SO STIPULATED:**

15 LEVINE & BAKER LLP
16 RICHARD E. LEVINE (88729)

17 
18 RICHARD E. LEVINE (88729)
19 ATTORNEYS FOR PLAINTIFFS
20 ROBERT OLSZEWSKI, SARA BERTSCH,
21 JACQUELINE MACIA, PHILIP McHALE, AND
22 RUSSELL BLACKADAR

23 Dated: July 31, 2009

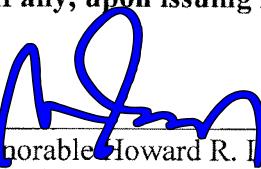
COOLEY GODWARD KRONISH LLP
STEVEN L. FRIEDLANDER (154146)
BENJAMIN KLEINE (257225)
LAURA A. TERLOUW (260708)

23 
24 STEVEN L. FRIEDLANDER (154146)
25 ATTORNEYS FOR DEFENDANTS
26 SYMYX TECHNOLOGIES, INC. AND ELSEVIER INC.

27 Dated: July 31, 2009

28 **IT IS SO ORDERED.** The Court will issue an order scheduling the continued case
management conference date in this matter, if any, upon issuing its written ruling on
defendants' motions to dismiss.

29 Dated: August 4, 2009

30 
31 Honorable Howard R. Lloyd
32 United States District Court Magistrate Judge